

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FATEN ANWAR,

Plaintiff,

v.

USPS,

Defendant.

Case No. 2:22-cv-01156

NOTICE OF REMOVAL OF CIVIL
ACTION

Snohomish County District Court
Case No. S22-0100

TO: THE CLERK OF THE ABOVE-ENTITLED COURT; and

TO: Faten Anwar, *pro se* Plaintiff:

Federal Defendant United States Postal Service (“USPS”), by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Kristen R. Vogel, Assistant United States Attorney for said District, hereby respectfully files with this Court this Notice of Removal pursuant to Title 42, United States Code, Section 1442(a)(1), to remove Case No. S22-0100 from Snohomish County District Court to United States District Court for the Western District of Washington.

In support of this notice, the USPS submits the following:

1 1. That on or about April 26, 2022, Plaintiff Faten Anwar filed a Notice of Small
2 Claim in Snohomish County District Court against the USPS. Specifically, Plaintiff alleges that
3 the USPS lost her certified priority mail and falsely claimed that her certified priority mail was
4 delivered. Plaintiff requests monetary damages. *See* Notice of Small Claim, attached as Exhibit
5 A.

6 2. The above-referenced state court action may be removed to the United States
7 District Court under 28 U.S.C. § 1442(a)(1), by virtue of the following:

8 a. The USPS is a United States Agency;

9 b. Plaintiff's claims against the USPS sound in negligence and pertain to
10 property damage and/or other personal injury;

11 c. The Federal Tort Claims Act, 28 U.S.C. §§ 2679, *et seq.*, is the sole and
12 exclusive remedy for negligence claims where, such as here, the United States is the real party in
13 interest and is therefore the only proper defendant.

14 3. Pursuant to LCR 101(b), Defendant attaches a copy of the Notice of Small Claim
15 filed in state court, as Exhibit A. The United States will file copies of all records from the
16 Snohomish County District Court proceeding (No. S22-0100).

17 4. A copy of this Notice of Removal is being served upon all parties to the underlying
18 litigation and will be promptly filed with the Clerk of the Snohomish County District Court.

19 5. Intradistrict Assignment. Upon information and belief, Plaintiff resides in
20 Snohomish County, Washington. Upon further information and belief, Case No. S22-0100 is
21 currently pending in the District Court of Snohomish County, Washington. Accordingly, and
22 pursuant to LCR 3(d), this case should be assigned to a judge in Seattle.

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1 WHEREFORE, based upon the foregoing and pursuant to 28 U.S.C. § 1442(a)(1), the
2 above-referenced action is removed from the District Court of Snohomish County, Washington,
3 to the United States District Court for the Western District of Washington.

4 DATED this 17th day of August, 2022.

5
6 Respectfully submitted,

7 NICHOLAS W. BROWN
United States Attorney

8 s/ Kristen R. Vogel
9 KRISTEN R. VOGEL, NY No. 5195664
Assistant United States Attorney
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13 *Attorney for Defendant*
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

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I further certify that on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant, via FedEx Priority Overnight, addressed as follows:

Faten Anwar
2732 197th LN SW, Lot 31
Lynnwood, WA 98036

DATED this 17th day of August, 2022.

s/ Hung Nguyen
HUNG NGUYEN, Legal Assistant
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